

Docket No.: 320529195US6
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Tyson-Quah

Patent No.: 7,523,054

Issued: April 21, 2009

For: METHOD FOR MITIGATING RISK
ASSOCIATED WITH THE SETTLING OF
FOREIGN EXCHANGE (FX) PAYMENT-
BASED TRANSACTIONS

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicant requests reconsideration of the patent term adjustment indicated on the Issue Notification of April 1, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320529195US6 from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 1677 days. The PTO's calculated patent term adjustment is 1149 days. Applicant is entitled to an additional 528 days of patent term adjustment.

The PTO properly accounted for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 1548 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 1642 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 878 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 635 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $1642 + 1548 - 878 - 635$, which is 1677 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 months	10/22/2001	↓
First Office Action	3/19/2007	1548
Reply	9/21/2007	↓
Notice of Allowability	12/14/2007	0
Total		1548

B Delay		
Filing Date + 3 Years	10/21/2001	↓
Issue Date	4/21/2009	1642
Total		1642

Overlap	
Total	878

Reduction		
Notice to File Missing Parts	1/25/2002	↓
Reply	6/11/2002	47
Non-Final Office Action	3/19/2007	↓
Reply	9/21/2007	94
Notice of Allowability	12/14/2007	↓
Amendment after allowance	3/18/2008	120
Pay issue fee	3/17/2009	374
Total		635

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: June 22, 2009

Respectfully submitted,

By 

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